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The Honorable William H. Walls, U.S.D.J.
United States District Court
District of New Jersey-
Newark Vicinage
Martin Luther King Courthouse
50 Walnut Street, Room 4046
Newark, NJ 07101

RE: NJDEP v. Beckman Coulter, Inc., et al.
Docket No.: 2:98cv-4781 (WHW) (ES)

Dear Judge Walls:

I write on behalf of my clients, the Third-Party Defendants in the above-referenced matter, Carter Day Industries, Inc., Combustion Equipment Associates, Inc. and Combe Fill Corporation (collectively "Carter Day Entities"). As Your Honor may recall, back in January of 2010 my clients moved to lift the Entry of Default which had been entered against them by the Third-Party Plaintiff Compaction Systems, Inc. At the same time, the Compaction Systems Corporation had also requested that separate litigation between Compaction and the insurance carriers, styled Century Indemnity Co., et al. v. Compaction Systems Corp. of New Jersey, et al., Civil Action No. 2:09-cv-1053, ("Century Litigation") proceed to arbitration.

When the motions were heard on January 13, 2010, Your Honor ordered that the parties in the Century Litigation proceed to arbitration. Your Honor also stayed this lawsuit and denied my clients' request to lift the Entry of Default, without prejudice to renew, once the arbitration matters were completed in the Century Litigation.

I have recently received correspondence from counsel for the Third-Party Plaintiff, Jeffrey Pollock, requesting, apparently by letter, that the Court lift its stay of this lawsuit. I am unclear as to whether the Court is willing to lift the stay and grant Compaction's request based

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upon Mr. Pollock's letter, or whether the Court will require Mr. Pollock to file a more formal motion and notice the appropriate parties.

I am writing this letter in order to obtain confirmation from the Court as to how this matter will proceed inasmuch as the Carter Day Entities wish to renew their motion, which they believe to be meritorious, to lift the Entry of Default. As Your Honor may recall, the Carter Day Entities are dissolved and/or defunct. The Entry of Default had been entered against the Third-Party Defendants by Compaction based upon purported substituted service made upon the Secretary of State of New Jersey.

My clients would respectfully request that the Court advise them as to how this matter will proceed, more specifically how the Court will require that the stay in this matter be lifted, if it is to be lifted.

Respectfully submitted,



CRAIG J. HUBER

CJH/bp

cc: Honorable Esther Salas, U.S.M.J. (via Federal Express)

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